



GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES

Seizure and Forfeiture

Data Definitions and Reporting Guide

This *Seizure and Forfeiture: Data Definitions and Reporting Guide* provides information and guidance regarding the submission of seizure and forfeiture information, as required by Chapters 619 and 658 of 2016. Specifically, this guide serves to identify the reporting requirements, data definitions, and instruction on the submission of all seizure and forfeiture information. **To quickly access one of these areas, please select from the following list.**

| | |
|-------------------------|----------|
| Introduction | 2 |
| Background | 3 |
| Data Definitions | 3 |
| Reporting Period | 3 |
| Reporting Guide | 4 |

Introduction

Chapters 619 and 658 of 2016 require each seizing authority in consultation with the corresponding forfeiting authority to report information to the Maryland Statistical Analysis Center (MSAC), located within the Governor's Office of Crime Prevention, Youth, and Victim Services, on the seizure and forfeiture of property related to violations of the Controlled Dangerous Substances (CDS) law, effective October 1, 2016.¹ Specifically, each seizing authority in consultation with the corresponding forfeiting authority shall report how any funds appropriated to the authority as a result of forfeiture were spent in the preceding fiscal year and information about each individual seizure and forfeiture completed by the agency under this title, to include:

1. The date that currency, vehicles, houses, or other types of property were seized;
2. The type of property seized, including year, make, and model, as applicable;
3. The outcome of related criminal action, including whether charges were brought, a plea bargain was reached, a conviction was obtained, or an acquittal was issued;
4. Whether a unit of federal government took custody of the seized property, and the name of the unit;
5. For property other than money, the market value of the property seized;
6. If money was seized, the amount of money;
7. The amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement;
8. The race and gender of the person or persons from whom the property was seized, if known; and
9. Whether the property was returned to the owner.

In addition, MSAC shall make available on its website the reports submitted by seizing authorities and the aggregate report by March 1 of each year. Furthermore, and in accordance with § 12-602(e)(2) of the Criminal Procedure Article, MSAC shall submit the aggregate report to the Governor, the General Assembly, and each seizing authority before September 1 of each year.

Chapter 235 of 2019 increased the amount from 20% to 100% of CDS forfeiture proceeds deposited in the General Fund that the Governor shall appropriate to the Maryland Department of Health for the purpose of funding drug treatment and education programs.² In addition, and pursuant to § 12-602(f) of the Criminal Procedure Article, MSAC shall include in its aggregate

¹ Maryland General Assembly. (2016). *Chapters 619 and 658 of 2016 (House Bill 336/Senate Bill 161), Criminal Procedure - Seizure and Forfeiture*.

² Maryland General Assembly. (2019). [*Chapter 235 of 2019 \(Senate Bill 643\), Criminal Procedure - Forfeiture Proceeds - Appropriation Percentage and Reporting*](#).

report the total amount from forfeitures deposited in the General Fund that were appropriated to the Maryland Department of Health for the programs, and how such funds were spent.³

Background

In 2017, an implementation group was formed to review the requirements of the bill and the data elements, and to develop a reporting protocol. The implementation group consisted of law enforcement, legal, and legislative representatives which collectively created an online reporting form, known as the Legislative Reporting Portal, for the consistent and unified collection of seizure and forfeiture information. The finalized protocol for reporting was disseminated to all seizing authorities in the State. Since September 1, 2017, all seizing authorities have reported information to MSAC as it relates to all seizure and forfeiture incidents.

Data Definitions

The following definitions must be used when submitting seizure and forfeiture information:

Seizing authority means a law enforcement unit in the State that is authorized to investigate violations of the Controlled Dangerous Substances law and that has seized property under § 12-101 of the Criminal Procedure Article.

Forfeiting authority means the unit or person designated by agreement between the State's Attorney for a county and the chief executive officer of the governing body having jurisdiction over assets subject to forfeiture to act on behalf of the governing body regarding those assets; or if the seizing authority is a unit of the State, a unit or person that the Attorney General or the Attorney General's designee designates by agreement with a State's Attorney, county attorney, or municipal attorney to act on behalf of the State regarding assets subject to forfeiture by the State.

Reporting Period

All seizing authorities must compile and submit data each time a law enforcement agency authorizes the seizure of money or property from a criminal investigation. All seizure and forfeiture information must be submitted to MSAC by March 1 of the subsequent year. The corresponding forfeiting authority (State, county, or municipal attorney) **must** collaborate with the seizing authority to compile the required information.

If any seizing authority or corresponding forfeiting authority fails to report to MSAC as required, the Governor's Office of Crime Prevention, Youth, and Victim Services shall report the

³ Ibid.

noncompliance to the Maryland Police Training Commission for follow-up with the agency. Upon contract, the law enforcement agency must comply within 30 days or the Governor's Office of Crime Prevention, Youth, and Victim Services and the Maryland Police Training Commission shall report the noncompliance to the Governor and the Legislative Policy Committee of the General Assembly.

The initial seizing authority must be a Maryland law enforcement agency to be included in the report. Seizures that are authorized initially by a federal agency and transferred to a Maryland law enforcement agency are not required to be reported under this law.

Reporting Guide

All seizure and forfeiture information can be entered into the Legislative Reporting Portal **or** the *Seizure and Forfeiture Data Template* excel spreadsheet to comply with Chapters [619](#) and [658](#) of 2016. A description of the data elements, to include the available selections for each variable, is provided below. It is important to note that the order of data elements (data element #1 through data element #9) do not follow the order listed in the [introduction](#); it is based on the order of variables listed in the *Seizure and Forfeiture Data Template* excel spreadsheet. All variables listed below are consistent with the *Seizure and Forfeiture Data Template* excel spreadsheet; whereas, the Legislative Reporting Portal automatically accounts for several variables which reduces the manual entry of information.

#1. The date that currency, vehicles, houses, or other types of property were seized.

The template will designate seven columns to capture this data element:

Agency: Enter the name of the agency.

County: Enter the name of the county/jurisdiction.

Seizure Date: Enter the date of the seizure, based on a MM/DD/YYYY format.

Month: Enter the month in which the seizure occurred.

Report ID: A report identifier must be provided for each entry. This information will be used to track the total number of reports in relation to the total number of items seized and the total number of people who had property seized. Please note that the Legislative Reporting Portal will automatically assign an identifier when information is submitted.

Police Case Number: A case number may be provided. This entry is optional.

Property ID: A property identifier must be provided for each item seized. This information will be used to track the total number of items seized and the total number of seizures. Please note that the Legislative Reporting Portal will automatically assign an identifier when information is submitted.

#2. The type of property seized, including year, make, and model, as applicable.

The template will designate seven columns to capture this data element:

Property Type: Use the “dropdown” menu to select the type of property seized.

- Boat/watercraft
- Currency
- Firearm
- Jewelry
- Motor vehicle (including ATVs)
- Other
- Phone
- Aircraft
- Real property

Property Year: Enter the year of the property seized.

Property Make: Enter the make of the property seized.

Property Model: Enter the model of the property seized.

Miscellaneous Property Type: If *Other* is selected for the property type, write out the applicable type.

Miscellaneous Type: If *Other* is selected for the property type and an applicable type is entered for the miscellaneous property type entry, please provide additional specifications (if applicable).

Property Value: Enter the market value, based on a \$__ format. The National Automobile Dealers Association market value was used for any seizures of motor vehicles.

~~#3. For property other than money, the market value of the property seized.~~

Please note that data element #2 encompasses data element #3 and therefore is not needed.

~~#4. If money was seized, the amount of money.~~

Please note that data element #2 encompasses data element #4 and therefore is not needed.

#5. Whether a unit of the federal government took custody of the seized property, and the name of the unit.

The template will designate two columns to capture this data element:

Fed Custody: Use the “dropdown” menu to select if a unit of the federal government took custody of the property.

- True
- False

Fed Unit: If *True* is selected for fed custody, choose the most appropriate unit, based on the following options:

- Department of Justice
- Department of Treasury

#6. Whether the property was returned to the owner.

The template will designate one column to capture this data element:

Disposition of Property: Use the “dropdown” menu to select the disposition of the property seized.

- Buy back agreement - full settlement
- Forfeited
- Full return
- Partial settlement
- Pending
- Returned to innocent owner
- Returned to lien holder

The pending disposition should be used whenever final disposition of the property has not yet been determined. This is the property disposition as of March 1.

#7. The race and gender of the person or persons from whom the property was seized.

The template will designate four columns to capture this data element:

Person ID: A unique identifier must be provided for each person who had property seized. This information will be used to track the total number of people who had property seized and the total number of seizures. Please note that the Legislative Reporting Portal will automatically assign an identifier when information is submitted.

Gender: Select the gender of each person who had property seized, based on the following options:

- Male
- Female
- Transgender

Race/Ethnicity: Select the race/ethnicity of each person who had property seized, based on the following options:

- Asian
- Black
- Hispanic/Latino
- White
- American Indian or Alaskan Native
- Hawaiian/Pacific Islander
- Other

Race/Ethnicity Other: If *Other* is selected for the race/ethnicity, write out the applicable type.

#8. The outcome of related criminal action, including whether charges were brought, a plea bargain was reached, conviction was obtained, or an acquittal was issued.

The template will designate eight columns to capture this data element:

Arrested: Use the “dropdown” menu to select if the person who had property seized was arrested for an offense.

- True
- False

CJIS Code: Enter the CJIS code for the crime in which the person was arrested. If multiple CJIS codes apply, please enter each as a separate row in the *Seizure and Forfeiture Data Template* excel spreadsheet, using the same Report ID, Property ID, and Person ID numbers. Below is a list of CJIS that apply.

- 1_0010 - PRESC: ILLEGAL MANUFACTURING
- 1_0018 - CDS-SELL SUBSTITUTE DRUG
- 1_0025 - CDS-UNSOLICIT MAILING
- 1_0233 - CDS POSS W/INT TO DIST
- 1_0234 - CDS/COUNTERFEIT CREATE/DISTR
- 1_0235 - CDS/COUNTERFEIT POSS W/INT DIS
- 1_0236 - CDS/COUNTERFEIT: EQUIPMENT
- 1_0237 - CDS: PRODUCTION EQUIPMENT
- 1_0238 - COMM NUIS/DISTRIB CDS
- 1_0239 - COMM NUIS/DISTRIB CDS
- 1_0255 - CDS ADMIN EQUIP POSS/DIST
- 1_0256 - CDS PACK MATERIAL POSS/DISTR
- 1_0257 - CDS MFG MAT POSS/DIST-NOT MARIJUANA
- 1_0264 - PRES ILL POSS W/I DIST
- 1_0270 - PRESC: ILLEGAL MANUFACTURING
- 1_0272 - CDS POSS FOR DISTRIBUTION
- 1_0482 - CDS DIST: SCHOOL PROP/BUS
- 1_0484 - CDS: P W/I DIST: SCHOOL BUS/PROP
- 1_0487 - CDS: DISTR ETC. W/FIREARM
- 1_0488 - CDS DRUG KINGPIN
- 1_0489 - IMPORT MINOR: DRUG FELONY
- 1_0493 - FIREARM/DRUG TRAF CRIME
- 1_0566 - MARIJUANA PACKING POSS/DIS
- 1_0660 - MANUFACTURE CDS
- 1_0661 - MANUFACTURE CDS - NARCOTIC
- 1_0662 - MANUFACTURE CDS - PCP/LSD
- 1_0673 - CDS-PROCEEDS FROM OFFENSE
- 1_0675 - CDS-PROCEEDS FROM OFFENSE
- 1_0696 - CDS: DIST-PCP/LSD
- 1_0730 - CDS: IMPORT 5-45 KILO MARIJUANA
- 1_0879 - CDS MANUF - LG AMT
- 1_0880 - CDS DIST/DISPENSE - LG AMT
- 1_0881 - CDS POSSESS - LG AMT
- 1_0933 - CDS: DIST CONTERFEIT LSD/PCP

- 1_0934 - PCP/LCD/COUNTERFEIT POS W/I DIS
- 1_0936 - PCP/LSD/COUNTERFEIT EQUIPMENT
- 1_1119 - CDS: POSS W/I DIST: NARC
- 1_1287 - CDS MFG MAT POSS/DIST-MARIJUANA
- 1_3500 - CDS DIST TO INHALE
- 1_3550 - UNAUTH CDS-DIST/MAN/DIS REG
- 1A1119 - ATT-CDS: POSS W/I DIST: NARC
- 1_5409 - HIRE ETC MINOR: DIST CDS
- 2_0233 - CDS: POSS W/I DIST: PCP/LSD
- 2_0237 - CDS: PROD EQUIP: PCP/LSD
- 2_0300 - CDS: COM NUIS: DIST. NARC
- 2_0301 - CDS: COM NUIS: DIST PCP/LSD
- 2_0325 - CDS: COM NUIS: ADMIN NARC
- 2_0330 - CDS: COM NUIS: DIST. NARC
- 2_0696 - CDS DIST-NARC
- 2_0710 - CDS ADM W/VIOLENT CRIME
- 2_0715 - CDS: ADM W/SEX OFFENSE
- 2_3550 - CDS DIST - OTHER
- 2A0696 - ATT-CDS MANUF/DIST-NARC
- 3_0233 - CDS: POSS W/I DIST: NARC
- 2_0234 - CDS: DIST COUNTERFEIT NARC
- 3_0235 - NARC/COUNTERFEIT POS W/I DIS
- 3_0236 - NARC/COUNTERFEIT EQUIPMENT
- 3_0237 - NARC: PRODUCTION EQUIP
- 3_3550 - CDS: IMPORT INTO STATE
- 5_3550 - CDS: POSS PARAPHERNALIA
- 6_3550 - CDS: DIST PARAPHERNALIA
- 7_3550 - CDS PARA-DELIVERY TO MINOR
- 9_0082 - CDS PARA-ADVERTISE
- 9_3550 - CDS REGISTRANT DIST NO FORM

CDS Distribution: Specific to CDS distribution, please select from the following options:

- CDS Distribution
- CDS Possession
- Unknown

CJIS Other: If the list of CJIS codes do not capture the appropriate crime, write out the applicable type.

Adjudicated: Use the “dropdown” menu to select the jurisdiction where the case was adjudicated.

- Federal
- State

Outcome: Use the “dropdown” menu to select the outcome of the criminal action. Only enter outcomes related to cases that were adjudicated at the state level and those where the property or currency was forfeited. This is the outcome as of March 1.

- Guilty
- Nolle Pros
- Pending
- Probation Before Judgement
- Not Guilty
- Dismissed
- Stet
- No Verdict
- Abated
- Other

Outcome Other: If *Other* is selected for the outcome, write out the applicable type.

Plea Bargain: Use the “dropdown” menu to select if the case resulted in a plea bargain.

- Yes
- No
- Unknown

~~**#9. The amount the seizing authority received in the prior year from the federal government as part of an equitable sharing agreement.**~~

Please note that information pertaining to equitable sharing payments is publicly made available by the U.S. Department of Justice and therefore data element #9 is not needed. For information regarding the equitable sharing program, please visit the U.S. Department of Justice’s website at: <https://www.justice.gov/criminal-mlars/equitable-sharing-program>.